

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 172 of 2019

- Manoj Kumar Choudhary, S/o Mangal Kumar Choudhary, aged about 34 Years, R/o Shriram Complex, Infront of Bank of Baroda, Samta Colony Raipur, Tahsil & District-Raipur, Chhattisgarh.

---- Applicant

Versus

- State of Chhattisgarh Through The Station House Officer, Police Station Tikrapara, Raipur, District-Raipur Chhattisgarh.

---- Respondent

For Applicant : Ms. Saumya Sharma, Advocate.
For Respondent/State : Mr. Lav Sharma, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant
Order On Board

22/02/2019

1. The applicant has preferred this bail application under Section 438 of Cr.P.C. apprehending his arrest in connection with Crime No.498/2018 registered at Police Station-Tikrapara, District – Raipur(C.G.), for the offence punishable under Sections 498A, 294, 506 of the Indian Penal Code & Section 3, 4 of Dowry Prohibition Act.
2. Learned counsel for applicant submits that applicant is innocent and has been falsely implicated in this case. No case is made out against this applicant. Infact this applicant and the complainant both were having love affair and they have performed marriage in Arya Samaj on 18.4.2012. Later on, the families of both the parties accepted their marriage and a formal marriage was again performed on 24.6.2014. This applicant and co-accused persons had never made any demand

of money or dowry from the complainant. This applicant and the complainant had their differences because of which she left her matrimonial home and started living in her parental house in Bhilai. In the counseling procedure the complainant has flatly refused to rejoin the company of applicant and also agreed for divorce by mutual consent. Similarly placed co-accused persons have been granted bail by the Court below, hence, it is prayed that applicant be benefited with grant of anticipatory bail.

3. Learned State counsel opposes the bail application and the submissions made in this respect. It is submitted that according to the FIR lodged and the statement of witnesses, the applicant and in-laws of the complainant made huge demands from the complainant which could not be fulfilled by her and her parents and therefore she was continuously tortured by them. Hence, no case is made out for grant of anticipatory bail.
4. Heard both the parties and perused the case diary.
5. According to FIR lodged by complainant Sonam Tiwari, she got married with applicant on 24.6.2014 and from the very day of marriage the parents of this applicant started demanding cahs of Rs.5 lakhs. The parents of complainant gave Rs.3 lakhs to them by selling their some land but even thereafter they continued to treat the complainant with cruelty for various reasons and when the complainant became pregnant, she was sent to her parental house by her in-laws as they did not want to incur the delivery expenses. Hence, this case.
6. Considered on the entire material present in the case diary and also perused the documents that have been attached along with application regarding the counseling procedure and the marriage performed in

Arya Samaj. It appears that similarly placed co-accused have been benefited with grant of anticipatory bail by the Court below, therefore, this applicant is also entitled for the same benefit on the ground of parity. Hence, I am of this opinion that applicant should be granted anticipatory bail.

7. Accordingly, the anticipatory bail application is allowed and it is directed that in the event of arrest of the applicant in connection with the aforesaid offence, he shall be released on bail by the officer arresting him on his executing a personal bond in the sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned Investigating Officer. The applicant shall also abide by the following conditions :

- (i) that the applicant shall make himself available for interrogation before the investigating officer as and when required;
- (ii) that the applicant shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him/her from disclosing such facts to the Court or to any police officer;
- (iii) that the applicant shall not act, in any manner, which will be prejudicial to fair and expeditious trial; and
- (iv) that the applicant shall appear before the trial Court on each and every date given to him by the said Court till disposal of the trial.

Sd/-
(Rajendra Chandra Singh Samant)
Judge